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10/090,173	03/06/2002	Michael K. Gunaratnam	P 284983	7110

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ARLINGTON, VA 22203

EXAMINER
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BRANDT, ADAM CURTIS

ART UNIT	PAPER NUMBER
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3771

DATE MAILED: 10/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/090,173

Applicant(s)

GUNARATNAM ET AL.

Examiner

Adam Brandt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 62 and 63 is/are allowed.
- 6) ☒ Claim(s) 21-61 and 64-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4/10/2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

This office action is in reply to the amendments submitted on 3/24/2006. The petition to withdraw abandonment was granted on 8/04/2006.

### *Information Disclosure Statement*

This office acknowledges receipt of the following items from the applicant: Information Disclosure Statement (IDS) filed on 4/10/2006. The references cited on the form have been considered.

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. **Claim 64 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.** The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Applicant has amended the claims by adding the limitation "includes an elastically movable component which defines in part." There is no reference to the first and/or second connectors possessing such a characteristic in the disclosure presented by the Applicant.

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Since the new matter is unfounded, it should be removed from the claim. The Examiner has not considered the claim in light of the new matter.

3. The Examiner notes that the first addition to claim 64, "at least one of", is permitted to be entered as an amendment.

4. **Claims 65-67 are rejected on the basis that they are dependent upon a rejected claim.**

### ***Double Patenting***

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. **Claims 21-61 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,374,826 B1.** Although the conflicting claims are not identical, they are not patentably distinct from each other because the more specific claims of U.S. Patent No. 6,374,826 B1 anticipated the broader claims of the

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instant application, i.e., the patent claims anticipate the application claim. See *In re Goodman*, F. 3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993).

3. **Claim 21 is not patentably distinct over claim 1 of USPN 6,374,826.** Claims 1 discloses a respiratory mask and headgear combination comprising: a respiratory mask having a rigid mask frame (col. 5, ln 41), adjustable headgear (col. 5, ln 42) for securing said mask on a patient, said headgear including at least one attachment strap (col. 5, ln 43), said mask having rigidly secured thereto a rigid first connector portion (col. 5, ln 44), and a second connector portion adapted for releasable mating with said first connector portion (col. 5, ln 45 – 46), wherein said first and second connector portions form a press-release connection between said mask frame and said strap (col. 5, ln 49-50); said first connector portion is a female connector formed in one piece with said mask frame (col. 5, ln 51-52); and said second connector portion is a corresponding male connector (col. 5, ln 53-54).

4. **Claim 22 is not patentably distinct over claim 1 of USPN 6,374,826.** Claim 1 discloses a male connector portion (col. 5, ln 55) includes a resiliently biased cantilever member depending from a leading end portion of said male connector portion (col. 5, ln 55-57).

5. **Claim 23 is not patentably distinct over claims 1-3 of USPN 6,374,826.** Claim 2 discloses a cantilever member having a leading end, a trailing end, a locking portion, located intermediate said leading end and trailing end (col. 5, ln 60-64) structured to engage with said first connector portion (col. 5, ln 57-58), and release portion located adjacent to trailing end (col. 5, ln 66-67).

6. **Claim 24 is not patentably distinct over claim 3 of USPN 6,374,826.** Claim 3 discloses a release portion comprising a raised portion adjacent a trailing end of said cantilever member (col. 5, ln 66-67).

7. **Claim 25 is not patentably distinct over claim 4 of USPN 6,374,826.** Claim 4 discloses a space provided immediately behind said trailing end of the cantilever member (col. 6, ln 1-3).

8. **Claim 26 is not patentably distinct over claim 5 of USPN 6,374,826.** Claim 5 discloses a locking means comprising at least one lug on a forward surface of said cantilever member, said lug engaging a corresponding socket of said first connector (col. 6, ln 4-7).

9. **Claim 27 is not patentably distinct over claim 6 of USPN 6,374,826.** Claim 6 discloses first and second connector portions are structured to be spaced forwardly of the patient's face by said rigid mask frame (col. 6, ln 8-11).

10. **Claim 28 is not patentably distinct over claim 7 of USPN 6,374,826.** Claim 7 discloses a respiratory mask for use with a headgear having male connectors thereon, each of the male connector portions including at one resiliently biased locking element, the respiratory mask comprising: a mask frame (col. 6, ln 16); a pair of female connector portions formed in one piece

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with the mask frame and being configured to receive the male connector portions therein (col. 6, ln 17-19).

11. **Claim 29 is not patentably distinct over claim 7 of USPN 6,374,826.** Claim 7 discloses the mask frame includes a front wall portion defining a forward end of the mask frame, the front wall portion having a circular gas inlet aperture configured to connect to a gas delivery conduit, the mask frame including a pair of inclined side wall portions and a base portion, each of the side wall portions and the base portion having a portion thereof connected to the front wall portion (col. 6, ln 20-28).

12. **Claim 30 is not patentably distinct over claim 7 of USPN 6,374,826.** Claim 7 discloses the mask frame includes a rim at rear edges of the inclined side wall portions and the base portion, the rim defining a rearward end of the mask frame and being configured to allow a cushion to be attached thereto (col. 6, ln 29-32).

13. **Claim 31 is not patentably distinct over claim 7 of USPN 6,374,826.** Claim 7 discloses each of the female connector portions includes a generally oblong slot, generally oblong slot being formed by a first wall structure that is disposed between respective side wall portions and the base portion, a pair of parallel spaced opposing wall structures extending generally perpendicularly from the first wall structure and a second wall structure extending between and connected to the pair of spaced opposing wall structures, the second wall structure being spaced from and generally parallel to the first wall structure, each of the first and second

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wall structures and the pair of spaced opposing wall structures having an inward end portion and an outward end portion defining a direction that extends generally radially outwardly relative to the circular gas inlet aperture, the outward end portions defining the generally oblong slot therebetween (col. 6, ln 33-48).

**14. Claim 32 is not patentably distinct over claim 7 of USPN 6,374,826.** Claim 7 discloses the second wall structure includes at least one recess extending therethrough configured to cooperate and receive the at least one resiliently biased locking element of the respective male connector portion, the at least one recess being formed adjacent the generally oblong slot (col. 6, ln 49-53).

**15. Claim 33 is not patentably distinct over claim 8 of USPN 6,374,826.** Claim 8 discloses a headgear structure including at least one elongate strap, each end of the elongate strap being doubled over to form a loop; a pair of male connector portions attached to the elongate strap, each of the male connector portions including a trailing portion that has a pair of spaced side portions and a cross bar extending transversely therebetween to define a strap receiving aperture configured to allow the strap to pass therethrough so that the crossbar is disposed within the loop of the strap, each of the male connector portions also including a leading portion that has a pair of longitudinally extending side beams spaced slightly inwardly from the side portions, the leading portion including a cross piece extending between the side beams and defining a leading edge of the male connector portions, the leading portion of each male connector portions also including a cantilevered member extending from an intermediate portion of the cross piece



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toward the trailing portion of the male connector portions, the cantilevered member being movable between deflected and undeflected positions and being resiliently biased toward the undeflected position, the cantilevered member including a locking element extending outwardly therefrom, the locking element being positioned on the cantilevered member generally spaced from the cross piece, the leading portion of each male connector portions including a ridge structure adjacent the trailing portion and extending generally perpendicularly relative to the side beams a mask frame; and a pair of female connector portions formed in one piece with the mask frame and being configured to receive the male connector portions therein (col. 6, ln 54 to col. 7, ln 21).

**16. Claim 34 is not patentably distinct over claim 8 of USPN 6,374,826.** Claim 8 discloses the mask frame includes a front wall portion defining a forward end of the mask frame, the front wall portion having a circular gas inlet aperture configured to connect to a gas delivery conduit, the mask frame including a pair of inclined side wall portions and a base portion, each of the side wall portions and the base portion having a portion thereof connected to the front wall portion (col. 7, ln 22-28).

**17. Claim 35 is not patentably distinct over claim 8 of USPN 6,374,826.** Claim 8 discloses the mask frame includes a rim at rear edges of the inclined side wall portions and the base portion, the rim defining a rearward end of the mask frame and being configured to allow a cushion to be attached thereto (col. 7, ln 29-32).

**18. Claim 36 is not patentably distinct over claim 8 of USPN 6,374,826.** Claim 8 discloses each of the female connector portions includes a generally oblong slot, generally oblong slot being formed by a first wall structure that is disposed between respective side wall portions and the base portion, a pair of parallel spaced opposing wall structures extending generally perpendicularly from the first wall structure and a second wall structure extending between and connected to the pair of spaced opposing wall structures, the second wall structure being spaced from and generally parallel to the first wall structure, each of the first and second wall structures and the pair of spaced opposing wall structures having an inward end portion and an outward end portion defining a direction that extends generally radially outwardly relative to the circular gas inlet aperture, the outward end portions defining the generally oblong slot therebetween (col. 7, ln 34 to col. 8, ln 2).

**19. Claim 37 is not patentably distinct over claim 8 of USPN 6,374,826.** Claim 8 discloses the second wall structure includes at least one recess extending therethrough configured to cooperate and receive the at least one resiliently biased locking element of the respective male connector portion, the at least one recess being formed adjacent the generally oblong slot (col. 8, ln 3-8).

**20. Claim 38 is not patentably distinct over claim 8 of USPN 6,374,826.** Claim 8 discloses the leading portion of each male connector portion is capable of being passed through the generally oblong slot of the respective female connector portion, such that the leading portion is disposed substantially between the first and second wall structures and substantially between

the pair of spaced opposing wall structures, including the pair of longitudinally extending side beams being disposed between and generally parallel to the respective pair of spaced opposing wall structures, the cross piece being disposed proximate and generally parallel to the inward end portion of the first wall structure, the cantilevered member extending substantially between the first and second wall structures, the locking element being positioned within the recess, and the trailing portion being disposed adjacent to the outward end portions of the first and second wall structures and the spaced opposing wall structures (col. 8, ln 9-26).

**21. Claim 39 is not patentably distinct over claim 9 of USPN 6,374,826.** Claim 9 discloses a respiratory mask and headgear combination comprising a respiratory mask having a rigid mask frame, adjustable headgear for securing said mask on a patient, said headgear including at least one attachment strap, said mask frame having rigidly secured thereto a rigid first connector, and a second connector adapted for releasable mating with said first connector, wherein said first and second connectors form a press-release connection between said mask frame and said strap; said first connector is a female connector integrally and rigidly formed with said mask frame; said second connector is a corresponding male connector (col. 8, ln 27-40).

**22. Claim 40 is not patentably distinct over claim 9 of USPN 6,374,826.** Claim 9 discloses said male connector includes a resiliently biased cantilever member depending from a loading end portion of said male connector (col. 8, ln 42-44).

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**23. Claim 41 is not patentably distinct over claim 1 of USPN 6,374,826.** Claim 1 discloses a respiratory mask and headgear combination comprising: a respiratory mask having a rigid mask frame, adjustable headgear for securing said mask on a patient, said headgear including at least one attachment strap, said mask frame having rigidly secured thereto a first connector portion, and a second connector portion adapted for releasable mating with said first connector portion, wherein said first and second connector portions form a press-release connection between said mask frame and said strap; one of said first connector portion and said connector portion is a female connector; the other of said first connector portion and said second connector portion is a corresponding male connector; and one of said first and second connector portions is integrally formed in one piece with the mask frame (col. 5, ln 39-53).

**24. Claim 42 is not patentably distinct over claim 1 of USPN 6,374,826.** Claim 1 discloses a male connector portion (col. 5, ln 55) includes a resiliently biased cantilever member depending from a leading end portion of said male connector portion (col. 5, ln 55-57).

**25. Claim 43 is not patentably distinct over claims 1-3 of USPN 6,374,826.** Claim 2 discloses a cantilever member having a leading end, a trailing end, a locking portion, located intermediate said leading end and trailing end (col. 5, ln 60-64) structured to engage with said first connector portion (claim 1, col. 5, ln 57-58), and release portion located adjacent to trailing end (claim 3, col. 5, ln 66-67).

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26. **Claim 44 is not patentably distinct over claim 3 of USPN 6,374,826.** Claim 3 discloses a release portion comprising a raised portion adjacent a trailing end of said cantilever member (col. 5, ln 66-67).

27. **Claim 45 is not patentably distinct over claim 4 of USPN 6,374,826.** Claim 4 discloses a space provided immediately behind said trailing end of the cantilever member (col. 6, ln 1-3).

28. **Claim 46 is not patentably distinct over claim 5 of USPN 6,374,826.** Claim 5 discloses a locking means comprising at least one lug on a forward surface of said cantilever member, said lug engaging a corresponding socket of said first connector (col. 6, ln 4-7).

29. **Claim 47 is not patentably distinct over claim 6 of USPN 6,374,826.** Claim 6 discloses first and second connector portions are structured to be spaced forwardly of the patient's face by said rigid mask frame (col. 6, ln 8-11).

30. **Claim 48 is not patentably distinct over claim 7 of USPN 6,374,826.** Claim 7 discloses a respiratory mask for use with a headgear having a pair of first connector portions thereon, the respiratory mask comprising: a mask frame (col. 6, ln 16); a pair of second connector portions formed in one piece with the mask frame and being configured to mate with the pair of first connector portions; wherein one of the first and second connector portions

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includes a resiliently biased locking element so as to form a press-release connection between the head gear and the mask (col. 6, ln 17-19).

**31. Claim 49 is not patentably distinct over claim 7 of USPN 6,374,826.** Claim 7 discloses the mask frame includes a front wall portion defining a forward end of the mask frame, the front wall portion having a circular gas inlet aperture configured to connect to a gas delivery conduit (col. 6, ln 20-24).

**32. Claim 50 is not patentably distinct over claim 7 of USPN 6,374,826.** Claim 7 discloses the mask frame includes a rim defining a rearward end of the mask frame and configured to allow a cushion attached thereto (col. 6, ln 30-32).

**33. Claim 51 is not patentably distinct over claim 7 of USPN 6,374,826.** Claim 7 discloses one of the pair of first and second connector portions comprises a pair of female connector portions (col 6., ln 17-19).

**34. Claim 52 is not patentably distinct over claim 7 of USPN 6,374,826.** Claim 7 discloses each of the female connector portions includes a wall structure that is disposed between respective side wall portions, each of said first wall structures and the side wall portions having an inward end portion and an outward end portion defining a direction that extends generally radially outwardly relative to the circular gas inlet aperture (col. 6, ln 35-47).

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**35. Claim 53 is not patentably distinct over claim 7 of USPN 6,374,826.** Claim 7 discloses a respiratory mask wherein the second wall structure includes at least one recess extending therethrough configured to cooperate and receive the at least one resiliently biased locking element of the respective male connector portions (col. 6, ln 49-52). Claim 7 fails to disclose that all the structure is located on the first wall. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention so that structure was is located on the first wall instead of the second wall. The applicant fails to provide any criticality to why placing the structure on the second wall provides any increased benefit.

**36. Claim 54 is not patentably distinct over claim 8 of USPN 6,374,826.** Claim 8 discloses a respiratory mask assembly comprising: a headgear structure including at least one elongate strap, each end of the elongate strap being doubled over to form a loop (col. 6, ln 54-57); a pair of male connector portions, each of the male connector portions including a leading portion and a cantilevered member extending from the leading portion toward a trailing portion of the male connector portion, the cantilevered member being movable between deflected and undeflected positions and being resiliently biased toward the undeflected positions, the cantilevered member including a locking element extending outwardly therefrom (col. 7, ln 2-11); a mask frame; a pair of female connector portions configured to receive the male connector portions therein (col. 7, ln 17-18).

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**37. Claim 55 is not patentably distinct over claim 8 of USPN 6,374,826.** Claim 8 discloses a respiratory mask assembly wherein the mask frame includes a front wall portion defining a forward end of the mask frame, the front wall portion having a circular gas inlet aperture configured to connect to a gas delivery conduit (col. 7, ln 22-26).

**38. Claim 56 is not patentably distinct over claim 8 of USPN 6,374,826.** Claim 8 discloses a respiratory mask assembly wherein the mask frame includes a rim defining a rearward end of the mask frame and being configured to allow a cushion to be attached thereto (col. 7, ln 29-32).

**39. Claim 57 is not patentably distinct over claim 8 of USPN 6,374,826.** Claim 8 discloses a respiratory mask assembly wherein each of the female connector portions includes a first wall structure that is disposed between respective side wall portions, each of the first wall structures and the side wall portions having an inward end portion and an outward end portion defining a direction that extends generally radially outward relative to the circular gas inlet aperture (col. 7, ln 34 to col. 8, ln 2).

**40. Claim 58 is not patentably distinct over claim 8 of USPN 6,374,826.** Claim 8 discloses a respiratory mask wherein the second wall structure includes at least one recess extending therethrough configured to cooperate and receive the at least one resiliently biased locking element of the respective male connector portions (col. 8, ln 3-6). Claim 8 fails to disclose that all the structure is located on the first wall. It would have been obvious to one of



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ordinary skill in the art at the time the invention was made to have modified the invention so that structure was is located on the first wall instead of the second wall. The applicant fails to provide any criticality to why placing the structure on the second wall provides any increased benefit.

**41. Claim 59 is not patentably distinct over claim 8 of USPN 6,374,826.** Claim 8 discloses a respiratory mask assembly wherein the pair of female connector portions is formed in one piece with the mask frame (col. 7, ln 19-20).

**42. Claim 60 is not patentably distinct over claim 1 of USPN 6,374,826.** Claim 1 discloses a respiratory mask and headgear combination comprising a respiratory mask having a rigid mask frame, headgear for securing said mask on a patient, said headgear including at least one attachment strap, said mask frame having rigidly secured thereto a first connector portion, and a second connector portion on said strap adapted for releasable mating with said first connector portion, wherein said first and second connector portions form a press-release connection between said mask frame and said strap; one of said first and second connector portions is a female connector; the other said first and second connector portions is a corresponding male connector; and frame; one of the first and second connector portions is formed in one piece with the mask (col. 5, ln 39-54).

**43. Claim 61 is not patentably distinct over claim 1 of USPN 6,374,826.** Claim 1 discloses said male connector includes a resiliently biased cantilever member depending from a

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leading end portion of said male connector, said cantilever member including a locking element that releasably engages with a recess formed in the female connector (col. 5, ln 55-58).

44. The Examiner notes that adding the word “portion” does not make the claims patentably distinguishable over the USPN 6,379,826.

#### ***Response to Arguments***

45. Applicant’s arguments, see page 19, paragraph 4, filed 3/24/2006, with respect to 11,12,13,28-30,64-67 have been fully considered and are persuasive. The rejection of 10/22/2003 has been withdrawn.

46. The Examiner agrees with the Applicant with regard to the mounting posts located on the mask frame. The mountings post are male in orientation and the claims specifically declare female insertion connectors on the mask frame. Claims 28-30 and 64-67 stand as rejected in light of new grounds for rejection.

47. The Applicant has amended claim 64 with matter not disclosed by the Applicant previously. Therefore, the addition of new matter constitutes a 35 U.S.C. 112 1<sup>st</sup> paragraph rejection. The Applicants argument is moot concerning movable elastic connector portions is moot based on the rejection.

48. The Examiner acknowledges the cancellation of claims 1-20.

#### ***Allowable Subject Matter***

49. Claims 62 and 63 are allowed.

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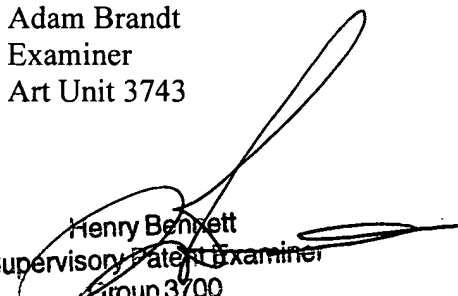
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam Brandt whose telephone number is 571-272-7199. The examiner can normally be reached on 8:30 AM to 4:30 PM; Mon thru Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Bennett can be reached on 571-272-4791. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Adam Brandt  
Examiner  
Art Unit 3743

ACB

  
Henry Bennett  
Supervisory Patent Examiner  
Group 3700